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Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Seventy-first year

Identical letters dated 9 June 2016 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the first quarterly report (January-March 2016) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia (see annex).*

I should be grateful if you would have the present letter and its annex issued as a document of the General Assembly, under agenda item 35, and of the Security Council.

(*Signed*) Kaha Imnadze
Permanent Representative

* The annex is being circulated in the language of submission only.

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Annex to the identical letters dated 9 June 2016 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

First Quarterly Report (January-March 2016) of the Ministry of Foreign Affairs of Georgia on the Human Rights Situation in the Occupied Regions of Georgia

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I. Introduction

Aims of the Report and Methodology Applied

1. In January 2015 the Ministry of Foreign Affairs of Georgia started preparation of quarterly reports aiming at assessing the human rights situation in the occupied regions of Georgia. The Ministry of Foreign Affairs of Georgia prepared four such reports in 2015. This is the first quarterly report of the Ministry of Foreign Affairs of Georgia for the year 2016 covering the period of January-March 2016. The Ministry of Foreign Affairs of Georgia will further continue the preparation of such reports on a quarterly basis. This reporting exercise aims to contribute to the provision of regular and updated information to the international community, to states as well as to international inter-governmental and non-governmental organizations, on the human rights situation in the occupied regions of Georgia.

2. As for the applied methodology, this reporting exercise consolidates and assesses existing information from various open sources, national and international, on violations of human rights in the occupied regions of Georgia. Due to limitations on its length, the report does not aim to collect/contain information on all cases of violations of human rights in the occupied regions of Georgia; it aims to consolidate and assess only some of the most known examples of violations. The methodology applied does not provide for the conduct of fact-finding visits to the occupied regions of Georgia, nor to the conduct of interviews. Therefore the methodology applied does not enable this reporting exercise to collect and produce new data on the human rights situation in the occupied regions of Georgia.

Responsibility of the Occupying Power for Human Rights Violations

3. The territories of two regions of Georgia – Abkhazia, Georgia and the Tskhinvali Region, Georgia are occupied by the Russian Federation. The occupation of regions of Georgia by the Russian Federation has been recognized by the international community. The Russian Federation as the occupying power, exercises effective control over Abkhazia, Georgia and the Tskhinvali Region, Georgia. These two regions still remaining under foreign military occupation, constitute above all dangerous "black holes" in verifying human rights violations and holding the violators accountable.

4. Recently the Council of Europe published its 13th Consolidated Report on the Conflict in Georgia describing *inter alia* human rights situation in the occupied territories of Georgia and covering the period between October 2015 and March 2016. Thus part of the Council of Europe's report fully covers the reporting period[1] of the present reporting exercise. It should be noted that the delegation of the secretariat of the Council of Europe carried out a fact-finding visit to Georgia on 29 February-1 March 2016, however was not allowed to visit the occupied regions of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia.[2]

[1] January-March 2016.

[2] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 5.

5. It should be emphasized that in the reporting period, namely on 21st January 2016, the European Parliament adopted the Resolution on the EU's priorities for the UNHRC sessions in 2016. According to the adopted resolution, the European Parliament "remains concerned about ... lack of access by monitors to the occupied regions of Abkhazia and the Tskhinvali region/South Ossetia where human rights violations remain widespread."[3] According to the recently published report, "the ethnic Georgians still living in Abkhazia, ... are often subjected to restrictions on their freedom of movement, restrictions concerning receiving education in their native language, as well as forced passportisation."[4]

Occupation Line and Installation of Barbed Wire Fences

6. The occupation line along the administrative boundary line (ABL) with Abkhazia and the Tskhinvali Region separates Georgia from its two occupied territories. Since January 2013 the Russian occupation forces intensified the process of the installation of razor wire and barbed wire fences and other artificial obstacles along the occupation lines in Abkhazia and the Tskhinvali Region. Currently, the total length of artificial barriers along the occupation line in Tskhinvali Region is nearly 51 km. Razor and barbed wire fences cover a stretch of more than 12 km in the Abkhazian region.

7. According to the Council of Europe, "the "borderisation" process continues to have a divisive impact on communities and restricts freedom of movement across the ABL. It also puts under continued strain the effective enjoyment of basic rights by the ethnic Georgian residents of Gali, who face obstacles in access to livelihood and employment, appropriate medical care and education, as well as when collecting pensions and other social allowances."[5]

8. It should be noted that during the reporting period, namely in March 2016, delegation of the Committee on Migration, Refugees and Displaced Persons of the Parliamentary Assembly of the Council of Europe (PACE) visited the village of Khurvaleti, which is located along the occupation line with Tskhinvali Region and which is divided by razor wire fences. Ms Annette Groth, member of the delegation of the Committee on Migration, Refugees and Displaced Persons of the PACE publicly stated that the situation on the ground is more disturbing than expected.[6]

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[3] "European Parliament Resolution on the EU's priorities for the UNHRC sessions in 2016", the European Parliament, 21 January 2016, paragraph 61, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0020+0+DOC+XML+V0//EN>.

[4] Andras RACZ, Senior Research Fellow, The Finnish Institute of International Affairs, Finland, "The Frozen conflicts of the EU's Eastern neighborhood and their impact on the respect of human rights", 2016, page 21, available at < http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU(2016)578001>.

[5] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 38.

[6] *By the Assessment of the PACE members Situation at the Occupation Line is much more Complex than they were Informed*, 21 March 2016, available at <http://www.interpressnews.ge/ge/konfliqtebi/371632-evrosabtcos-asambleis-tsevrebis-shefasebith-saokupacio-khazthan-imaze-rthuli-vithareba-dakhvdath-vidre-informacias-flobdnen.html?ar=A>.

New so called "Laws"

9. In the reporting period, namely on 1st February 2016, Mr Khajimba signed so called "law on legal status of foreign citizens in Abkhazia"[7] and "law on entry and exit of Abkhazia"[8] both "entering into force" on 1st April 2016. One of the leaders of the Sokhumi occupation regime declared that the adopted regulations aim to strengthen "border" and "migration" control due to the large number of "foreign citizens" residing in Abkhazia without control.[9]

10. In fact, so called "law on legal status of foreign citizens in Abkhazia" aims to qualify ethnic Georgians, living in the region of Abkhazia, into a category of "foreign citizens" and to discriminate against them in many ways. More specifically, "foreign citizen" is subject to different types of permits that would restrict enjoyment of human rights. For that purpose, so called "law" prescribes quite detailed and strict regulations. According to so called "law", the following categories of permits shall be issued to "foreign citizens": 1) entry permit; 2) temporary residence permit; 3) residence permit; and 4) work permit. Temporary residence permit can be obtained maximum for four years. Temporary residence is a necessary prerequisite for getting residence permit. There is a long list of requirements for different categories of foreigners for obtaining temporary residence. For example, in order to obtain temporary residence permit, an applicant will be required to submit medical certificate attesting absence of drug addiction, infectious diseases and HIV infection. Residence permit can be obtained maximum for five years. Two categories of foreigners are entitled to residence permit. The first category comprises foreign citizens married to "Abkhaz citizens". However, this category of foreigners at first must apply for temporary residence and only after an expiry of one year of temporary residence they can apply for residence permit. The second category comprises people without citizenship, born in the region of Abkhazia when it was part of the Soviet Union and permanently living there for at least ten years since April 1999. Before applying for residence permit, the second category of foreigners should live in the occupied Abkhazia for at least one year on the basis of temporary residence. All four categories of permits — entry permit, temporary residence permit, residence permit and work permit, will not be issued to an applicant which 1) is or was "against the independence and the sovereignty of Abkhazia"; 2) "poses threat to security of Abkhazia"; 3) participated in war against Abkhazia in 1992-1993 or assisted to those who participated in it. There are some

[7] *Raul Khajimba signed Law on "legal status of foreigners in Abkhazia"*, "Apsnypress", 1 February 2016, available at < http://apsnypress.info/news/raul-khadzhimba-podpisal-zakon-o-pravovom-polozhenii-inostrannykh-grazhdan-v-respublike-abkhaziya/>.

[8] *President signed Law on "on entry and exit of Abkhazia"*, "Apsnypress", 1 February 2016, available at <http://apsnypress.info/news/prezident-podpisal-zakon-o-poryadke-vyezda-iz-respubliki-abkhaziya-i-vezda-v-respubliku-abkhaziya/>.

[9] *Nationals of States recognized Abkhazia can enter it without visa from 1 April*, "Tass", 11 February, 2016, available at <http://tass.ru/mezhdunarodnaya-panorama/2659087>; *Abkhazian visa: for and against*, "Sputnik-Abkhazia", 19 February, available at <http://sputnik-abkhazia.ru/analytics/20160219/1017260879.html>; *Abkhazia imposes visa Regime for Countries refusing to recognize its independence*, 15 February 2016, available at <http://www.messenger.com.ge/issues/3564_february_15_2016/3564_tatia.html>; Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 8 February and 13 February 2016, p. 15.

other restrictions.[10] Therefore, it can be concluded that ethnic Georgians qualified into the category of "foreign citizens" will be subject to discrimination in terms of enjoyment of human rights such as freedom of movement, the right to property, labour rights etc. It should be underlined that the restriction on applying for residence permit concerns people without citizenship. Therefore, ethnic Georgians holding the Georgian citizenship will not be even able to apply for residence permits. It should be emphasized here that the restriction clause on all four categories of permits is very broad and vague since it contains such wording as "against independence" or "assisted to those who participated in war", etc.

11. According to the Council of Europe, "there appears to be considerable lack of clarity regarding the rights and protection afforded by the new *de facto* law to the holders of the new documents. It is unclear, for example, if and how the holders of residence permits, including the ethnic Georgians who opt for them, can buy and/or register property and land ... Pending further clarifications, however, the concerned population is likely to remain in a state of limbo and vulnerability."[11] One of the leaders of the Sokhumi occupation regime admitted that "law indeed does not guarantee property rights for holders of residence permits".[12]

12. It has been stated by the representatives of the Sokhumi occupation regime that most ethnic Georgians living in Abkhazia, predominantly in Gali district, hold Georgian citizenship that qualifies them into the category of foreigners under the so called "law on legal status of foreign citizens in Abkhazia" and therefore puts limitation on their human rights including on the right to property.[13] In the reporting period, the process of population census in Gali district was underway, the process that is linked to the issuance of so called new "residence permits" to Gali residents which will entail limitations on their right to property.[14]

13. Similar document was adopted by the Tskhinvali occupation regime, namely so called "law on legal status of foreigners in the Republic of South Ossetia". According to the Council of Europe, "new regulations entered into force on 1 March raising serious questions on the already peripheral status and rights of the ethnic Georgian population of Akhalgori. Some major concerns are related to the potential negative impact for those considered as foreigners on property rights, freedom of movement, labour and voting rights while it remains unclear how its provisions will impact the right to education."[15]

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[10] *Foreigners with HIV Infection and Drug Addictions were banned to live in Abkhazia*, "Apsny", 2 February 2016, available at <http://apsny.ru/news/?ID=20187&PAGEN_1=20>.

[11] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 46.

[12] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 46.

[13] *Breakaway Abkhaz Government to Introduce New Passports*, 8 February 2016, available at <http://georgiatoday.ge/news/2900/Breakaway-Abkhaz-Government-to-Introduce-New-Passports>.

[14] *Hundreds of travelers from Gali to Zugdidi cannot go back*, "Livepress", 18 February 2016, available at <http://www.livepress.ge/ap/tag/article/1-news/13742-galidanzugdidshichamosulia sobithmgzavriukanverbrundebaideo.html>; *Breakaway Abkhaz Government to Introduce New Passports*, 8 February 2016, available at <http://georgiatoday.ge/news/2900/Breakaway-Abkhaz-Government-to-Introduce-New-Passports>.

[15] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 61.

14. By the adoption of so called "law on entry and exit of Abkhazia", the decision has been made to introduce visas for states a) not recognizing so called "independence of Abkhazia" and b) not having a "bilateral agreement" of visa free travel.[16] According to so called "law on entry and exit of Abkhazia", only citizens of the Russian Federation, "Republic of South Ossetia", Republic of Nicaragua and Tuvalu can enter Abkhazia without visas. Under adopted regulations entering into force on 1st April 2016, any person can exit Abkhazia, however only so called "citizens of Abkhazia" can enter Abkhazia without additional formalities. In addition, a foreigner holding a residence permit can enter occupied Abkhazia without any additional document and he/she does not require visa. It should be noted that a foreign citizen or a person without citizenship can be expelled from the territory of occupied Abkhazia if that person poses a threat to defense and security or to public order. It should be emphasized that so called "law on entry and exit of Abkhazia" when operational, will create additional obstacles to representatives of international organizations leading to further isolation of the region.

15. Proceedings from the above it can be concluded that adoption of so called "laws" in many ways target the ethnic Georgian population living in the occupied territories. In occupied Abkhazia ethnic Georgians will be labelled "foreign citizens" and four types of permits will restrict their daily life activities. Ethnic Georgians holding Georgians citizens will be deprived possibility to obtain residence permits and restriction clause on all four categories of permits might be used to persecute ethnic Georgian families. Restrictions of the freedom of movement of ethnic Georgians living in occupied Abkhazia will become even stringent since ethnic Georgians not holding so called "Abkhaz citizenship" might be refused to cross the occupation line. These regulations will further deteriorate the existing grave situation: new restrictions will be imposed on the freedom of movement, the right to property and labour rights. The Ministry of Foreign Affairs of Georgia expresses its serious concern on the adoption of new discriminatory regulations for ethnic Georgians living in the occupied regions of Georgia. There is threat that this so called "laws" can become ground for another wave of ethnic cleansing.

New Wave of so called "Passportisation"

16. The adoption of the above-mentioned so called "laws" by the occupation regimes of Sokhumi and Tskhinvali is directly linked to the new illegal wave of "passportization" in the occupied territories.

17. As for the Abkhazian region, during the reporting period a process of so called "passportisation" was underway in the occupied Abkhazia. The above process implies procession of 300 thousand new documents — 250 thousand so called "passports" and 50 thousand so called "residence permits". All 300 000 documents were processed in the Russian Federation by "Goznak"[17] and their distribution is planned by May 2016. It has been stated that those residents of Abkhazia that are not citizens of Georgia, will be eligible to obtain so called "Abkhazian passports". It

[16] *Abkhazia Introduces Visas for all States not recognizing its Independence*, 12 February 2016, available at <http://apsny.ru/news/?ID=20352&PAGEN_1=15>.

[17] *The Issue of Passportization is almost Over*, "Apsnypress", 5 February 2016, available at <http://www.apsnypress.info/news/adzynba-vopros-pasportizatsii-prakticheski-zaversben/>.

should be recalled here that in 2014, so called "parliament" of the Sokhumi occupation regime adopted so called "decree" by which it annulled so called "Abkhaz passports" of around 25 000 ethnic Georgians living in Abkhazia, predominantly in Gali district.[18] The Sokhumi occupation regime "continued suspending the issuance of "passports" to residents of the Gali district, citing the need to investigate improper passport issuances to residents who possess Georgian citizenship."[19] It has been argued that "UNHCR reported a widening documentation gap, noting that fewer Gali residents held valid documents due to expiration and nonissuance of documentation recognized" by the Sokhumi occupation regime.[20] The purpose of so called "passportisation" is to classify the population into categories of "citizens of Abkhazia" and "foreign citizens". Nowadays it has become evident that "Abkhaz passports" of 25 000 ethnic Georgians were cancelled in order to give to ethnic Georgians the status of "foreign citizens" that implies lots of restrictions on their human rights.

18. As for occupied Tskhinvali region, it should be noted that in June 2015, the Tskhinvali occupation regime began accepting applications for so called "South Ossetian passports," which required individuals renounce their Georgian citizenship.[21] Ethnic Georgians in the occupied Tskhinvali Region were forced to accept so called "South Ossetian passports" and "South Ossetian Citizenship".[22]

19. Undoubtedly, this so called "passportisation" in the occupied Abkhazia and the Tskhinvali region may result in a situation where individuals, not eligible to so called new "passports" or so called new "residence permits", face more complications regarding the right to property and the freedom of movement across the occupation line. Ethnic Georgians residing in the occupied region of Abkhazia and Tskhinvali have all grounds to be concerned about such perspective; status of a "foreigner" can at least restrict their right to property and deteriorate prospects of movement across the occupation line and, in the worst case, become ground for another wave of ethnic cleansing.

II. Freedom from Torture and Ill-treatment

20. The practice of torture and ill-treatment in the occupied regions of Georgia remains an issue of concern that has been attested by the various sources made available in the reporting period. For example, recently published U.S. Department of State's Country Reports on Human Rights Practices for 2015 states that: "Individuals detained in Russian-occupied South Ossetia who later returned to undisputed Georgian territory reported incidents of mistreatment and abuse in

[18] *The Realm of the Possible - Finding ways forward in the Georgian-Abkhaz context: People in the Gal/i region,* Conciliation Resources, July 2015, pages 4 and 5. Available at < http://www.c-r.org/downloads/CR_The-Realm-of-the-possible_Gal-i_43_webEn.pdf>.

[19] *Georgia 2015 Human Rights Report*, U.S. Department of State, published in 2016. Available at <http://www.state.gov/documents/organization/253061.pdf>, page 27.

[20] *Georgia 2015 Human Rights Report*, U.S. Department of State, published in 2016. Available at <http://www.state.gov/documents/organization/253061.pdf>, page 27.

[21] *Georgia 2015 Human Rights Report*, U.S. Department of State, published in 2016. Available at <http://www.state.gov/documents/organization/253061.pdf>, page 27.

[22] *Georgia 2015 Human Rights Report*, U.S. Department of State, published in 2016. Available at <http://www.state.gov/documents/organization/253061.pdf>, page 32.

Ossetian detention centers. Mistreatment included inflicting cigarette burns and beatings."[23]

21. According to the information disseminated on 12th January 2016, detainees in pre-trial detention centre of Sokhumi staged a protest against ill-treatment. According to the source, detention conditions are poor in pre-trial detention centre of Sokhumi and human rights of detainees are violated by the administration of the establishment. Moreover, among detainees there are categories of people that require immediate medical assistance and psychiatric treatment however their special needs are neglected. According to the same source, employees of the establishment offend detainees and aggravate the existing tense situation.[24]

22. It is commendable that on 10th March 2016, 14 Georgian citizens illegally imprisoned in the Abkhazian region (8 people) and the Tskhinvali Region (6 people), were released and exchanged for 4 people from Tskhinvali region which were convicted on the territory controlled by the central authorities of Georgia. However, it should be noted that on 18th March 2016, one of the former prisoners released gave interview and spoke in detail about several years spent in the captivity in the Abkhazian region. According to him, he was subject to regular and extreme torture and ill-treatment while imprisoned. He also spoke about torture and ill-treatment of other prisoners.[25]

23. On 20th March 2016, in the village of Meore Otobia, Gali district, the Russian FSB officers detained a woman with mental disorder. The woman had undergone medical treatment in psychiatric hospital before the detention took place. The villagers submitted certificate attesting detainee's mental disorder, however the Russian FSB officers refused to release her from the military base detention. The whole village has a feeling of the protest against her detention.[26] It should be emphasized that detention of a person with mental disorders in a detention centre without appropriate medical treatment of health problems of a detainee can easily amount to ill-treatment.[27]

III. Arbitrary Detention

24. The Russian FSB officers regularly carry out arbitrary detention for so called "illegal border crossing" along the occupation lines with Abkhazia and Tskhinvali regions. In most cases detention is followed by fines and later release, however

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[23] *Georgia 2015 Human Rights Report*, U.S. Department of State, published in 2016. Available at <http://www.state.gov/documents/organization/253061.pdf>, page 6.

[24] *Detainees in Pre-Trial Detention Center of Sokhumi staged a Protest*. "Sputnik-Abkhazia", 12 January 2016. Available at <http://sputnik-abkhazia.ru/Abkhazia/20160112/1016866357.html>.

[25] *Our Fingers were connected to electric Supply: Interview with Released Prisoners from Abkhazian Prison*. "Ambebi", 18 March 2016. Available at <http://gza.ambebi.ge/life/sazogadoeba/3166-qthithve-dens-gvierthebdnen-da-haershi-magdebda-skamianadq-interviu-afkhazethis-cikhidan-gathavisuflebul-patimrebthan.html>.

[26] *Exclusive: Russian Occupants Detained a Woman with Mental Disorder in the Village of Meore Otobaia*, "Timer", 20 March 2016, available at < http://www.timer.ge/rusma-okupantebma-sopel-meore-otobaiashi-psiqiurad-avadmkhopi-qali-daakaves/>.

[27] For example, *Factsheet: Detention and mental health*, the European Court of Human Rights, 2016, available at <http://www.echr.coe.int/Documents/FS_Detention_mental_health_ENG.pdf>.

repeated "violations" may result in "criminal proceedings".[28] Detention period can last several days or several months, in some cases several years.

25. On 4th and 5th January 2016, a resident of the village of Bershueti, Gori district and a resident of Tbilisi were detained by the Russian FSB officers for so called "illegal border crossing".[29] On 4th January 2016, two residents of the village of Bershueti, Gori district were detained by eight Russian FSB officers when they were entering the local church for religious ritual. One of the detainees managed to escape the Russian FSB officers and one detainee was transported by the Russian FSB officers to the direction of Tskhinvali. According to the representative of Gori municipality, the church is located on the territory controlled by the central government of Georgia and detainees therefore had not crossed the occupation line; the church is a venue for various religious events for residents of the village of Bershueti.[30] It should be noted that the detainee, which was transported to Tskhinvali, was released only after one week of detention and as a result of payment of fine.[31]

26. On 18th January 2016, a resident of the village of Kere, located nearby of the occupation line with Tskhinvali region was detained by the Russian FSB officers for so called "illegal border crossing". According to residents of the village, the detained person went for hunting in the surroundings of the village, but he did not cross the occupation line.[32]

27. On 28th January 2016, a resident of the village of Zerti, Gori district was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskhinvali region.[33]

28. On 8th and 9th March 2016, a resident of the village of Zardiantkari, Gori district and a resident of the village of Kirbali, Gori district were detained by the Russian FSB officers for so called "illegal border crossing".[34]

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[28] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 60.

[29] *On New Year Holiday Border Guards datelined two Violators of Border*, "Sputnik-Ossetia", 11 January 2016, available at <http://sputnik-ossetia.ru/South_Ossetia/20160111/1118068.html>.

[30] *So called Border Guards Abducted one Resident from Village of Bershueti*, 4 January 2016, available at <http://www.interpressnews.ge/ge/konfliqtebi/361026-ets-mesazghvreebma-sofel-bershuethidan-erthi-piri-gaitaces.html?ar=A>.

[31] *Abducted by Occupants was Released, 13 January 2016*, available at <http://kvira.ge/%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%90%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98%E1%83%A1-%E1%83%9B%E1%83%98%E1%83%94%E1%83%A0-%E1%83%92%E1%83%90%E1%83%A2%E1%83%90%E1%83%AA%E1%83%94-2/>.

[32] *Militaries Detained a 23 Years old Man near the Village of Kere*, 19 February 2016, available at <http://kvira.ge/%E1%83%A1%E1%83%9D%E1%83%A4%E1%83%94%E1%83%9A-%E1%83%A5%E1%83%94%E1%83%A0%E1%83%94%E1%83%A1%E1%83%97%E1%83%90%E1%83%9C-%E1%83%A8%E1%83%94%E1%83%98%E1%83%90%E1%83%A0%E1%83%90%E1%83%A6%E1%83%94%E1%83%91/>.

[33] *Georgian National Detained in South Ossetia for Border Crossing*, "Sputnik-Ossetia", 28 January 2016, available at <http://sputnik-ossetia.ru/South_Ossetia/20160128/1213087.html>.

[34] *Two Citizens of Georgia were detained by so called Border Guards*, 11 March 2016, available at <http://medianews.ge/ge/ets-samkhretosetismesazghvreebmasaqartvelosorimoqalaqedaakaves/122545>.

29. On 23rd March 2016, a resident of the town of Gori was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskinvali region.[35]

IV. Freedom of Movement

30. Restrictions on freedom of movement remains issue of concern that has been attested by the various sources made available in the reporting period. For example, recently published report of the Amnesty International states "movement in and out of the breakaway territories Abkhazia and South Ossetia remained restricted".[36]

31. In the reporting period, decision was made to reduce the number of crossing points along the occupation line with Abkhazia. Namely, in January 2016, Mr Khajimba instructed to reduce the number of the operating crossing points along the occupation line with Abkhazia.[37] On 17th March 2016, decision was made to close two from six crossing points along the occupation line with Abkhazia: "Tagiloni" crossing point will be closed completely and "Lekukhona" crossing point will be closed for pedestrians only.[38] Closure of two crossing points will mean 20-25 kilometres additional travel for some villagers of Gali district in order to cross the occupation line.[39]

32. It is impossible to cross "Enguri" crossing point along the Abkhazian occupation line with Georgian passport. If you have a Georgian citizenship, there is a need to have special permit issued by so called "State Security Service of Abkhazia" in order to cross the occupation line.[40] It should be noted that individuals holding Russian Federation passports or so called "Abkhazian passports" can cross the occupation line along Abkhazia without a special permit.[41]

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[35] *So called Border Guards Detained a Citizen of Georgia at the Occupation Line*, 24 march 2016, Available at <http://medianews.ge/ge/saokupatsiosazghvartanetsmesazghveebmasaqartvelos moqalaqedaakaves/123435>.

[36] Georgia 2015/2016, Amnesty International, available at <https://www.amnesty.org/EN/COUNTRIES/EUROPE-AND-CENTRAL-ASIA/GEORGIA/REPORT-GEORGIA/>.

[37] *De Facto Government amended the Law on VAT*, 26 January 2016, available at <http://www.livepress.ge/ka/akhali-ambebi/article/13449-de-faqto-mthavrobam-dghg-s-shesakheb-kanonshi-cvlilebebi-sheitana.html>.

[38] *The Number of Crossing Points along the Georgian-Abkhazian Border will be Reduced*, "Sputnik-Abkhazia", 17 March 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20160317/1017555465.html>; *The Number of Crossing Points along the Georgian-Abkhazian Border will be Reduced*, 17 March 2016, available at <http://www.apsnypress.info/news/na-abkhazo-gruzinskoy-granitse-sokratitsya-kolichestvo-punktov-propuska/>.

[39] Gali residents call on de facto Authorities not to abolish Crossing Points, "Livepress", 18 March 2016, available at <http://www.livepress.ge/ka/politika/article/14088-galelebimoutsodebende faqtomthavrobasardaushvasgamshvebipunqtebisgauqmeba.html>.

[40] *It is impossible to cross the Enguri checkpoint with Georgian passport*, "Front News", 15 February 2016, available at <http://www.frontnews.ge/ge/news/95028-%E1%83%A8%E1%83%94%E1%83%A3%E1%83%AB%E1%83%9A%E1%83%94%E1%83%91%E1%83%94%E1%83%9A%E1%83%98%E1%83%90-%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%A3%E1%83%9A%E1%83%98-%E1%83%9E%E1%83%90%E1%83%A1%E1%83%9E%E1%83%9D%E1%83%A0>.

[41] *Hundreds of travelers from Gali to Zugdidi cannot go back*, "Livepress", 18 February 2016, available at <http://www.livepress.ge/ap/tag/article/1-news/13742-galidanzugdidshichamosulias obithmgzavriukanverbrundebaideo.html>.

33. According to the Council of Europe, "in early 2016, local residents complained about restrictions on ABL-crossings related to attendance of funerals in Akhalgori. More generally, it appears that persisting unclear rules and instructions create a situation of arbitrariness, which negatively affects freedom of movement."[42]

34. On 17th February 2016, Mr Kęstutis Jankauskas, Head of EUMM Georgia, spoke at the meeting of Subcommittee on Security and Defense of the European Parliament. According to Mr. Kęstutis Jankauskas, "Freedom of movement is a paramount issue, as many people (have to) cross for different reasons, and doing this became more difficult each year we remained there. Crossing people face military personnel each day, risk detention, and technology is increasingly used to screen people ... Uncertainty for documents on the boundary line remains an issue, and also Abkhazia new de facto law on starting on 1 April on visas. ... South Ossetia has only one crossing point, and only people that chose to live there, and are given special permits, are crossing. These permits are still accepted, but there is uncertainty regarding how long they will be valid; all other people are severely limited. Abkhazia: people affected in Gali district mainly, but not everyone possess accepted documents, so who crosses risks to be stopped/rejected while who crosses in non-official crossing points can be detained or risk for the paths e.g. drowning in the river like a woman weeks ago. It is difficult to visit graveyards, especially on Easter when is traditional to do so, hence laws preventing people to cross have great impact, and may prevent people to exercise their religious rights, vote or access their property."[43]

V. Right to Property

35. Violations of the right to property occur systematically in the occupied regions of Georgia attested by the various sources made available in the reporting period. It should be noted that according to recently published U.S. Department of State's Country Reports on Human Rights Practices for 2015, in Abkhazia so called "legal system" prohibits property claims by ethnic Georgians who left Abkhazia before, during, or after the 1992-93 war, thereby depriving all IDPs of their property rights in Abkhazia. The Sokhumi occupation regime prevented IDPs living elsewhere in Georgia from reclaiming homes in Abkhazia, based on a so called "law" of 2008 that expropriated all "abandoned property" from the 1992-93 war. By so called "decree" of 2010, the Tskhinvali occupation regime invalidated all real estate documents issued by the Georgian government between 1991 and 2008 relating to property in the Akhalgori region. This so called "decree" also declared that all property in Akhalgori belongs to the Tskhinvali occupation regime until a "citizen's" right to that property is established in accordance with the so called

[42] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 59.

[43] Subcommittee on Security and Defense of the European Parliament, agenda item - "EU Monitoring Mission in Georgia: state of play and future perspectives Exchange of views with: - Kenneth Deane, Director of the EU Civilian Planning and Conduct Capability, EEAS - Kęstutis Jankauskas, Head of Mission of EUMM Georgia - Natalie Sabanadze, Ambassador of Georgia to the EU." the European Parliament, 17 February 2016, available at <http://www.europarl.europa.eu/ep-live/en/committees/video?event=20160217-0900-COMMITTEE-SEDE>.

"legislation", effectively stripping ethnic Georgians displaced in 2008 of their property rights in the region.[44]

36. In the reporting period, namely in March 2016, the Russian occupying forces started a road construction on the territory belonging to residents of the village of Jariasheni, Gori district. The village of Jariasheni is located on the territory adjacent to the occupied Tskhinvali Region. The road construction works were carried out by the Russian occupying forces in the gardens and the agricultural plots of land which are in private possession of 32 families of the villagers of Jariasheni. During the road construction fruit trees were demolished in the gardens of the villagers. The Russian occupying forces warned owners of the gardens and agricultural plots of land not to approach their land properties.[45] According to the Council of Europe, "as a result, the local households reportedly had their lands bisected or fully lost access to them ... At the time of the delegation's visit, no compensation had been reportedly received by these families."[46]

37. On 26th February 2016, the Russian FSB officers on the occupation line stopped the bus travelling to the direction of Zugdidi, located on the territory controlled by the central government of Georgia. The Russian FSB officers identified 21 ethnic Georgian passengers of the bus and detained all of them in special detention centre. The Russian FSB officers seized from 21 ethnic Georgian passengers the agricultural products that were transported by them for sale in Zugdidi market. Moreover, the Russian FSB officers seized personal golden jewelry from one of the detained passenger and strictly warned that person not to disclose information on the above fact.[47]

38. It should be noted that during the reporting period information was disseminated in media on planned forceful eviction from their homes by occupation regime of ethnic Ossetians residing in the occupied Tskhinvali region nearby the occupation line for security grounds.[48] This information caused serious discontent of the local population.[49] People living in the occupied villages nearby the occupation

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[44] *Georgia 2015 Human Rights Report*, U.S. Department of State, published in 2016. Available at <http://www.state.gov/documents/organization/253061.pdf>, pages 19 and 28.

[45] *Jariasheni*, 18 March 2016, available at <http://1tv.ge/ge/videos/view/160621/588.html>; *Village of Jariasheni of Gori District has become a new Target of Occupants*, 15 march 2016, available at <http://www.damoukidebloba.com/c/news/jariasheni_okupacia_ruseti>; *What is happening in Jariasheni?*, 13March 2016, available at <http://kvira.ge/%E1%83%A0%E1%83%90-%E1%83%AE%E1%83%93%E1%83%94%E1%83%91%E1%83%90-%E1%83%AF%E1%83%90%E1%83%A0%E1%83%98%E1%83%90%E1%83%A8%E1%83%94%E1%83%9C%E1%83%A8%E1%83%98-%E1%83%A2%E1%83%A0%E1%83%90%E1%83%9C/>.

[46] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 57.

[47] *Russian Occupants detained 21 Georgians*, "Newposts", 26 February, 2016, available at <http://www.newposts.ge/?l=G&id=100698-%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%90%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98,%20%E1%83%93%E1%83%90%E1%83%99%E1%83%90%E1%83%95%E1%83%94%E1%83%91%E1%83%90>.

[48] *Residents to be Evicted from Contact Line, Says s. Ossetia's Media*, 16 February 2016, available at <http://georgiatoday.ge/news/2987/Residents-to-be-Evicted-from-Contact-Line%2C-Says-S.-Ossetia%E2%80%99s-Medi>.

[49] *Ossetians living at the Administrative Line can be Deported*, 16 February 2016, available at <http://www.ambebi.ge/conflicts/155472-administraciul-sazghvarthan-mckhovrebi-osebi-shesadzloa-gaasakhlon.html>.

line along the Tskhinvali region are worried that they will eventually face the eviction.[50]

39. According to the information disseminated in the beginning of March 2016, residents of the villages adjacent to the occupied Tskhinvali Region will require special permits issued by so called border guards of the occupation regime and allowing them to carry out agricultural works in their plots of land.[51]

40. According to the recently published report, "the limited access to justice also affects Russian victims of human rights violations. Since 2010 there have been cases where Abkhazian authorities have confiscated the homes of ethnic Russians (International Crisis Group, 2010: 13) who could not do much to retaliate due to the deficiencies (International Crisis Group, 2013: 9) in the legal system (MKRU, 2010). The same is true for those Russian citizens who lost their homes in the 1992-1993 war. Despite the huge number of claims, there is only very limited progress in terms of restitution (International Crisis Group, 2013: 9-10)."[52]

VI. Right to Education in the Native Language

41. In the Gali district there are 31 schools.[53] From 31 schools only 11 schools, all of which are in "lower zone" of Gali district, had the status of Georgian schools until the end of the academic year 2014-2015 and subjects were taught in the Georgian language.[54] However, from the beginning of September of the academic year 2015-2016, drastic changes were made in the curriculum of these 11 schools in "lower zone" of Gali district, namely at present all subjects are taught in the Russian language in the first four grade classes i.e. in first grade, second grade, third grade and fourth grade classes.[55] According to the observation of the Council

[50] *South Ossetians Now Need KGB Permit to Visit Friends, Family Near Georgian-Controlled Territory*, 17 February 2017, available at <http://www.eurasianet.org/node/77371>.

[51] Available at <http://kvira.ge/%E1%83%94-%E1%83%AC-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%AE%E1%83%A0%E1%83%94%E1%83%97-%E1%83%9D%E1%83%A1%E1%83%94%E1%83%97%E1%83%A8%E1%83%98-%E1%83%A1%E1%83%90%E1%83%96%E1%83%A6%E1%83%95/>.

[52] Andras RACZ, Senior Research Fellow, The Finnish Institute of International Affairs, Finland, "The Frozen conflicts of the EU's Eastern neighborhood and their impact on the respect of human rights", 2016, page 21, available at <http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU(2016)578001>.

[53] By the end of the academic year 2014-2015 there were 4, 459 pupils and 918 employees in these 31 schools; from 4, 459 pupils, 97.57 per cent, were ethnically Georgian and from 918 employees, 91.78 per cent were ethnically Georgian. See Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 27 July and 2 August 2015.

[54] *The Realm of the Possible - Finding ways forward in the Georgian-Abkhaz context: People in the Gal/i region,* Conciliation Resources, July 2015, page 10. Available at < http://www.c-r.org/downloads/CR_The-Realm-of-the-possible_Gal-i_43_webEn.pdf >; Report of the Year 2014 of the Public Defender of Georgia on the Situation of Rights of the Population Affected by the Conflicts, 5 June 2015, page 26. Available at <http://www.ombudsman.ge/en/news/reports-on-the-human-rights-situation-of-conflict-affected-population-and-internally-displaced-persons-in-georgia.page>.

[55] The Russian curriculum means that the Russian textbooks, licensed by the Ministry of Education and Science of the Russian Federation and published in the Russian Federation, are used for the teaching. "A special Report of the Public Defender of Georgia – The Right to Education in Gali District: New Developments and Challenges of the Academic Year of 2015-2016", Public Defender of Georgia, October 2015, page 4 and 5. Available at <https://drive.google.com/file/d/

of Europe, "Abkhaz media have reported that the full transition to Russian language of remaining grades is planned to be implemented in the course of the next two or three years."[56]

42. There are cases when so called "governmental officials", sometimes armed, enter these schools in Gali district in order to double check whether the language of instruction is Russian or Georgian; bags of schoolchildren are forcefully checked to avoid the Georgian language materials in schools.[57] It is alarming that in the reporting period eight school teachers and one school director were dismissed from these 11 schools in "lower zone" of Gali district for the reason of making references to Georgia in positive context.[58] Cases of intimidation of school teachers for dissenting political opinions and speaking the Georgian language with pupils are common.[59]

43. There are more and more cases of parents making decisions on termination of attendance by their schoolchildren of the schools with newly introduced Russian curriculum and transferring them to the schools located on the other side of the occupation line; there were 60 such cases during the academic year 2015-2016 so far.[60] According to the Council of Europe, "the issue of access to education remains an acute problem also in relation to freedom of movement. It appears that over 50 pupils cross the ABL on a daily basis to attend school while detentions continue to occur. It was reported to the delegation that two detention cases involving four and three schoolchildren from the villages of Lower Gali took place on 27 January and 1 February respectively."[61]

44. According to the information disseminated on 16th February 2016, pupils of 11 schools in "lower zone" of Gali district have difficulties in learning subjects in the Russian language.[62] It is noteworthy that not all local teachers have corresponding command of the Russian language.[63]

0B9BM3M8hbgAUNFE3RndlaXc2dFU/view?pref=2&pli=1>; In these classes only few hours is allocated for learning the Georgian language as a foreign language.

[56] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 50.

[57] *Eight school teachers and one school director were dismissed from 11 schools of Gali district for making references to Georgia in positive context*, "Resonansi", 21 March 2016, available at <http://www.resonancedaily.com/index.php?id_rub=2&id_artc=28522>.

[58] *Eight school teachers and one school director were dismissed from 11 schools of Gali district for making references to Georgia in positive context*, "Resonansi", 21 March 2016, available at <http://www.resonancedaily.com/index.php?id_rub=2&id_artc=28522>.

[59] *Eight school teachers and one school director were dismissed from 11 schools of Gali district for making references to Georgia in positive context*, "Resonansi", 21 March 2016, available at <http://www.resonancedaily.com/index.php?id_rub=2&id_artc=28522>.

[60] *Eight school teachers and one school director were dismissed from 11 schools of Gali district for making references to Georgia in positive context*, "Resonansi", 21 March 2016, available at <http://www.resonancedaily.com/index.php?id_rub=2&id_artc=28522>.

[61] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 55.

[62] *Teacher: Curriculum in Abkhaz schools corresponds to Soviet Union Standards*, 16 February 2016, available at <http://www.livepress.ge/ka/akhali-ambebi/article/13693-pedagogiafkhazeth isskolebshisastsavloprogramasabtcothakavshirisstandartisidenturia.html>.

[63] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 51.

VII. Conclusions

45. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of torture and ill treatment and examples provided for the reporting period constitute infringements on freedom from torture and ill-treatment and therefore are violations of Article 7 of the International Covenant on Civil and Political Rights (ICCPR); Article 5 of the Universal Declaration of Human Rights (UDHR); Article 3 of the European Convention on Human Rights (ECHR); and the OSCE commitments.[64]

46. It can be concluded that the situation described in the occupied regions of Georgia with regard to arbitrary detention and examples provided for the reporting period constitute arbitrary detention and therefore violations of Article 9 of the International Covenant on Civil and Political Rights (ICCPR); Article 3 of the Universal Declaration of Human Rights (UDHR); Article 5 of the European Convention on Human Rights (ECHR); and relevant provisions of the OSCE commitments.[65]

47. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of movement and examples provided for the reporting period constitute violations of the right to freedom of movement, namely of Article 12 of the International Covenant on Civil and Political Rights (ICCPR); Article 13 of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 4 of the European Convention on Human Rights (ECHR); and the OSCE freedom of movement commitments.[66]

48. It can be concluded that the situation described in the occupied regions of Georgia with regard to right to property and examples provided for the reporting period violate the right to property, namely Article 17 of the Universal Declaration of Human Rights (UDHR); Article 1, Protocol No. 1 of the European Convention on Human Rights (ECHR); and the OSCE commitments.[67]

49. It can be concluded that the situation described in the occupied regions of Georgia with regard to education in the native language[68] and examples provided for

[64] The Vienna Concluding Document (1989) prohibits torture and other cruel, inhuman or degrading treatment or punishment. Paragraph 23.4; The Paris Document (1990) also prohibits torture and other cruel, inhuman or degrading treatment or punishment; the Istanbul Charter for European Security commits to "eradicating torture and other cruel, inhuman or degrading treatment or punishment throughout the OSCE area." Paragraph 21.

[65] The Vienna Concluding Document (1989) provides for ensuring that no one is subjected to arbitrary arrest, detention or exile. Paragraph 23.1; According to the Moscow Document (1991) "no one will be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law". Paragraph 23.1 (i).

[66] According to paragraph 33 of the Moscow Document (1991), the OSCE participating States are obliged to remove all restrictions with regard to travel within the territory of a State and with regard to residence for those entitled to permanent residence within the territory of a State. And according to paragraph 20 of the Vienna Concluding Document (1989), the OSCE participating States are committed to secure the right of everyone to freedom of movement and residence within the borders of a State.

[67] The OSCE commitments impose obligation on states to ensure that everyone has the right to enjoy property and that no one may be deprived of properly except under conditions provided for by law. Moscow Document (1991), paragraph 24; Copenhagen Document (1990), paragraph 9.6.

[68] The right to receive education in the native language is widely recognized under international law. *Languages and the Realization of the Right to Education*, UNESCO. For example, under the

the reporting period constitute violations of the right to education in one's native language and therefore violations of Article 26 (read in conjunction with Article 2) of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 1 of the European Convention on Human Rights (ECHR); Article 28 (read in conjunction with paragraph 1 of Article 2) of the UN Convention on the Rights of the Child; and relevant provisions of the OSCE commitments.[69]

50. It can be concluded that the situation described in the occupied regions of Georgia, particularly adoption of so called "laws" and the process of "passportisation" violates prohibition of discrimination provisions of Article 14 and Protocol No. 12 of the European Convention on Human Rights (ECHR); Article 26 of the International Covenant on Civil and Political Rights (ICCPR); and International Convention on the Elimination of All Forms of Racial Discrimination.

51. It can be further concluded that the situation described in the occupied regions of Georgia violates the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and the Tskhinvali region.[70]

VIII. Appeal to the International Community

52. The Ministry of Foreign Affairs of Georgia appeals to the international community, states as well as international intergovernmental and non-governmental organizations:

to continue recognizing extensively and widely the occupation of the territories of Georgia by the Russian Federation;

to continue calling on the Russian Federation to bear responsibility for human rights violations on the occupied regions of Georgia;

to continue calling on the Russian Federation to stop placing and remove barbed wire fences and other artificial obstacles and banners along the occupation line;

to take additional measures in order to monitor and report on the human rights situation in the occupied regions of Georgia, more specifically, the Ministry of Foreign Affairs of Georgia appeals to:

i) the Office of the United Nations High Commissioner for Human Rights (OHCHR) to take additional measures in order to regularly

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ECHR, the right to education implies the right to be educated in the national language. *Belgian Linguistic Case*, Judgment of 23 July 1968, para 3 (A.6 (1968), p.31). In *Cyprus v. Turkey* the Court stated that the abolishing the facility for Greek-Cypriot children in Northern Cyprus for pursuing a secondary education in the Greek language violated Article 2 of the ECHR. Judgment of 10 May 2001, paragraphs 273-280.

[69] According to paragraph 63 of the Vienna Document (1989), all shall have access to "the various types and levels of education without discrimination as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

[70] Resolution adopted by the General Assembly on 3 June 2015 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia. A/RES/69/286, paragraph 1. See also previous resolutions: 68/274 of 5 June 2014; 67/268 of 13 June 2013; 66/283 of 3 July 2012; 65/287 of 29 June 2011 etc.

address and assess the human rights situation in Abkhazia and Tskhinvali region of Georgia;

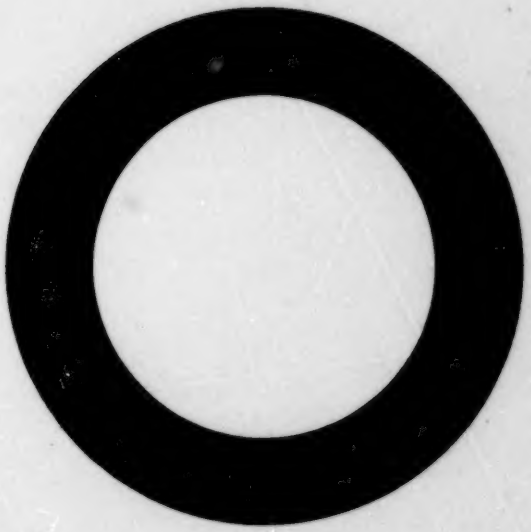
ii) the UN Human Rights Council's Special Procedure Mandate holders to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia;

iii) the Commissioner for Human Rights of the Council of Europe to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia;

iv) the OSCE and its autonomous institutions, namely the Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the High Commissioner on National Minorities (HCNM) to find ways for monitoring the human rights situation in Georgia's occupied regions. Such steps could, inter alia, include undertaking a follow-up mission to the occupied regions of Georgia and preparing a report on the status of the implementation of the recommendations contained in the ODIHR/HCNM 2008 Report on "Human Rights in the War Affected Areas following the Conflict in Georgia".

to continue calling on the Russian Federation to allow a) access of the international human rights monitoring mechanisms to the occupied regions of Georgia; b) access of the relevant missions of international organizations (e.g. EUMM), including humanitarian organizations, to the occupied regions of Georgia through legal routes;

to continue and intensify condemning violations of human rights such as freedom of movement; freedom from torture and ill-treatment; the right to liberty; the right to property and the right to receive education in the native language in the occupied regions of Georgia.



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Agenda item 46
Question of the Falkland Islands (Malvinas)

Letter dated 7 June 2016 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary General

I have the honour to request that the present letter and the annexed declaration of the Working Group on Friendship and Solidarity with Argentina be circulated as a document of the General Assembly in connection with agenda item 46.

(*Signed*) Rodolfo **Reyes Rodríguez**
Permanent Representative

16-09722 (E) 150616 160616

Please recycle

Annex to the letter dated 7 June 2016 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

United Nations Association of Cuba

Declaration of solidarity on the question of the Malvinas

The United Nations Association of Cuba, which coordinates work by the Working Group on Friendship and Solidarity with Argentina on the question of the Malvinas, devoted its annual workshop, an event held every year since 2012, to reflection on this important subject, and to a review of the Group's activities over the past year.

The participants, comprising representatives of Cuban civil society organizations and prominent figures in Cuban civil society, recalled that 16 December 2015 marked the fiftieth anniversary of the adoption of resolution 2065 (XX) by the United Nations General Assembly, by which the international community recognized the existence of the sovereignty dispute and invited the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to proceed without delay with negotiations to find a peaceful solution to the problem. Fifty years have passed and this important mandate remains to be fulfilled.

Being of the view that the peaceful settlement of disputes, in accordance with article 33 of Chapter VI of the Charter of the United Nations, United Nations resolution 2065 (XX) and more than 40 other resolutions adopted by that Organization and the proclamation of Latin America and the Caribbean as a zone of peace, adopted at the Second Summit of the Community of Latin American and Caribbean States, in January 2014, constitute the basis for the settlement of the dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland over the sovereignty of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, they decided:

1. To reaffirm their unwavering support for the position taken by the Argentine Republic in seeking a peaceful solution to the sovereignty dispute with the United Kingdom of Great Britain and Northern Ireland over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, an approach enshrined in the Constitution of that sister nation, in accordance with the principles of international law, the Charter of the United Nations, the relevant resolutions of the General Assembly, and the proclamation of Latin America and the Caribbean as a zone of peace;

2. To highlight and support the constructive attitude and willingness of the Argentine Republic to set in place arrangements for the resumption of dialogue with the United Kingdom of Great Britain and Northern Ireland on the islands and, through a process of negotiations, to reach a definitive solution to the dispute;

3. To affirm that a peaceful and negotiated settlement is the only possible means of resolving the sovereignty dispute between the parties and strengthening the climate of peace prevailing in the Latin American and Caribbean region;

4. To support the important role played by the United Nations Decolonization Committee in discussions and the adoption of resolutions on the question of the Malvinas;

5. To request the Secretary General of the United Nations to renew his good offices with a view to ensuring that the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland resume negotiations on this subject as soon as possible;

6. To call upon all people of goodwill, social movements and stakeholders, and civil society organizations to join the international campaign in support of the position of the Argentine Republic on the question of the Malvinas and, to that end, on 10 June to celebrate the Day of Affirmation of Argentine Rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the Surrounding Maritime Areas.

Done at Havana, on 20 April 2016